IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2012 OF 2002

Maharashtra Retail Liquor Dealers' Association — Petitioners

vs.

1. The Commissioner,State Excise & anr. — Respondents

Ms.Veedna B. Thadhani for the petitioners.

Mr.A.A.Kumbhakoni, Associate Advocate General with Mr.S.R.Nargolkar, A.G.P. for respondents.

ALONG WITH
WRIT PETITION NO.2033 OF 2002

Indian Hotel & Restaurant Association — Petitioner

vs.

1. The State of Maharashtra & anr. — Respondents

Mr.Mohan Pungalia for the petitioner.

Mr.A.A.Kumbhakoni, Associate Advocate General with Mr.S.R.Nargolkar,A.G.P. for respondents.

WITH WRIT PETITION NO. 2040 OF 2002

Maharashtra Wine Merchants Association — Petitioner

vs.

1. The State of Maharashtra & ors. — Respondents

Mr.F.R.Pochhkhanwala with Mr.Rajiv Devkar and Mr.Santosh Patil i/b.Mr.D.B.Sawant for the petitioner.

Mr.A.A.Kumbhakoni, Associate Advocate General with Mr.S.R.Nargolkar,A.G.P. for the respondents.

WITH WRIT PETITION NO.2280 OF 2002

Hotel Owner's Association,Thane. — Petitioners

vs.

The Commissioner,State Excise & ors. — Respondents

Ms.Veena B. Thadhani for the petitioners.

Mr.A.A.Kumbhakoni, Associate Advocate General with
Mr.S.R.Nargolkar,A.G.P. for the respondents.

WITH WRIT PETITION NO.2287 OF 2002

Kalyan Wine Merchants Association & anr. Petitioners
vs.
The Commissioner,State Excise & ors. Respondents

Ms.Veena B. Thadhani for the petitioners.

Mr.A.A.Kumbhakoni, Associate Advocate General with
Mr.S.R.Nargolkar,A.G.P. for the respondents.

WITH WRIT PETITION NO.2291 OF 2002

Hotel Owner's Association,Kalyan & anr. Petitioners
vs.
The Commissioner,State Excise & ors. Respondents

Ms.Veena B. Thadhani for the petitioners.

Mr.A.A.Kumbhakoni, Associate Advocate General with
Mr.S.R.Nargolkar,A.G.P. for the respondents.

WITH WRIT PETITION NO.2301 OF 2002

Kalyan Country Liquor Association & anr. Petitioners
vs.
The Commissioner,State Excise & ors. Respondents

Ms.Veena B. Thadhani for the petitioners.

Mr.A.A.Kumbhakoni, Associate Advocate General with
Mr.S.R.Nargolkar,A.G.P. for the respondents.

WITH WRIT PETITION NO.2514 OF 2002

Messrs.Jay Distilleries Pvt.Ltd. Petitioners
vs.
State of Maharashtra & ors. Respondents

Mr.F.R.Pochhkhanwala with Mr.Rajiv Devkar and
Mr.Santoshi Patil i/b.Mr.D.B.Sawant for the petitioners.

Mr.A.A.Kumbhakoni, Associate Advocate General with
Mr.S.R.Nargolkar,A.G.P. for the respondents.

WITH WRIT PETITION NO.2515 OF 2002

Messrs.Bhav Distilleries Pvt.Ltd. Petitioners
vs.
State of Maharashtra & ors. Respondents

Mr.F.R.Pochhkhanwala with Mr.Rajiv Devkar and Mr.Santosh
Patil i/b.Mr.D.B.Sawant for the petitioners.

Mr.A.A.Kumbhakoni, Associate Advocate General with
Mr.S.R.Nargolkar,A.G.P. for the respondents.

WITH WRIT PETITION NO.2516 OF 2002

Messrs.Belloi Distilleries Petitioners
vs.
State of Maharashtra & ors. Respondents

Mr.F.R.Pochhkhanwala with Mr.Rajiv Devkar and
Mr.Santrosh Patil i/b.Mr.D.B.Sawant for the petitioners.

Mr.A.A.Kumbhakoni, Associate Advocate General with
Mr.S.R.Nargolkar,A.G.P. for the respondents.

WITH WRIT PETITION NO. 4256 OF 2002

Pune Restaurant & Hoteliers' Association Petitioners
vs.
The Commissioner,State Excise & ors. Respondents

Ms.Veena B. Thadhani for the petitioners.

Mr.A.A.Kumbhakoni, Associate Advocate General with
Mr.S.R.Nargolkar,A.G.P. for the respondents.

WITH WRIT PETITION NO.1763 OF 1999

M/s.Dahisar Distillery Pvt.Ltd. Petitioners
vs.

State of Maharashtra & ors. Respondents

Mr.F.R.Pochhkhanwala with Mr.Rajiv Devkar and
Mr.Santrosh Patil i/b.Mr.D.B.Sawant for the petitioners.

Mr.A.A.Kumbhakoni, Associate Advocate General with
Mr.S.R.Nargolkar,A.G.P. for the respondents.

WITH WRIT PETITION NO.1764 OF 1999

Messrs.Lokranjan Breweries Pvt.Ltd. Petitioners
vs.
State of Maharashtra & ors. Respondents

Mr.F.R.Pochhkhanwala with Mr.Rajiv Devkar and
Mr.Santrosh Patil i/b.Mr.D.B.Sawant for the petitioners.

Mr.A.A.Kumbhakoni, Associate Advocate General with
Mr.S.R.Nargolkar,A.G.P. for the respondents.

WITH WRIT PETITION NO.1766 OF 1999

M/s.Sunnygold Wineries Pvt.Ltd. Petitioners
vs.
State of Maharashtra & ors. Respondents

Mr.F.R.Pochhkhanwala with Mr.Rajiv Devkar and
Mr.Santrosh Patil i/b.Mr.D.B.Sawant for the petitioners.

Mr.A.A.Kumbhakoni, Associate Advocate General with
Mr.S.R.Nargolkar,A.G.P. for the respondents.

WITH WRIT PETITION NO.1767 OF 1999

M/s.Alfa Distillery Pvt.Ltd. Petitioners
vs.
State of Maharashtra & ors. Respondents

Mr.F.R.Pochhkhanwala with Mr.Rajiv Devkar and
Mr.Santrosh Patil i/b.Mr.D.B.Sawant for the petitioners.

Mr.A.A.Kumbhakoni, Associate Advocate General with
Mr.S.R.Nargolkar,A.G.P. for the respondents.

WITH WRIT PETITION NO.1768 OF 1999

M/s.Deokar's Distillery Pvt.Ltd. Petitioners
vs.
State of Maharashtra & ors. Respondents

Mr.F.R.Pochhkhanwala with Mr.Rajiv Devkar and
Mr.Santrosh Patil i/b.Mr.D.B.Sawant for the petitioners.

Mr.A.A.Kumbhakoni, Associate Advocate General with
Mr.S.R.Nargolkar,A.G.P. for the respondents.

WITH WRIT PETITION NO.1769 OF 1999

M/s.Valcan Distillery Pvt.Ltd. Petitioners
vs.
State of Maharashtra & ors. Respondents

Mr.F.R.Pochhkhanwala with Mr.Rajiv Devkar and
Mr.Santrosh Patil i/b.Mr.D.B.Sawant for the petitioners.

Mr.A.A.Kumbhakoni, Associate Advocate General with
Mr.S.R.Nargolkar,A.G.P. for the respondents.

WITH WRIT PETITION NO.1770 OF 1999

M/s.Meher Distillery Pvt.Ltd. Petitioners
vs.
State of Maharashtra & ors. Respondents

Mr.F.R.Pochhkhanwala with Mr.Rajiv Devkar and
Mr.Santrosh Patil i/b.Mr.D.B.Sawant for the petitioners.

Mr.A.A.Kumbhakoni, Associate Advocate General with
Mr.S.R.Nargolkar,A.G.P. for the respondents.

WITH WRIT PETITION NO.1772 OF 1999

M/s.Southsease Distillery
& Breweries Pvt.Ltd. Petitioners
vs.
State of Maharashtra & ors. Respondents

Mr.F.R.Pochhkhanwala with Mr.Rajiv Devkar and
Mr.Santrosh Patil i/b.Mr.D.B.Sawant for the petitioners.

Mr.A.A.Kumbhakoni, Associate Advocate General with
Mr.S.R.Nargolkar,A.G.P. for the respondents.

WITH WRIT PETITION NO.1773 OF 1999

M/s.Hindustan Distillery Petitioners
vs.
State of Maharashtra & ors. Respondents

Mr.F.R.Pochhkhanwala with Mr.Rajiv Devkar and
Mr.Santrosh Patil i/b.Mr.D.B.Sawant for the petitioners.

Mr.A.A.Kumbhakoni, Associate Advocate General with
Mr.S.R.Nargolkar,A.G.P. for the respondents.

WITH WRIT PETITION NO.1774 OF 1999

M/s.Palbo Distillery Pvt.Ltd. Petitioners
vs.
State of Maharashtra & ors. Respondents

Mr.F.R.Pochhkhanwala with Mr.Rajiv Devkar and
Mr.Santrosh Patil i/b.Mr.D.B.Sawant for the petitioners.

Mr.A.A.Kumbhakoni, Associate Advocate General with
Mr.S.R.Nargolkar,A.G.P. for the respondents.

WITH WRIT PETITION NO.1890 OF 1999

Maharashtra Wine Merchants Association Petitioners
vs.
State of Maharashtra & ors. Respondents

Mr.F.R.Pochhkhanwala with Mr.Rajiv Devkar and
Mr.Santrosh Patil i/b.Mr.D.B.Sawant for the petitioners.

Mr.A.A.Kumbhakoni, Associate Advocate General with
Mr.S.R.Nargolkar,A.G.P. for the respondents.

AND

WITH WRIT PETITION NO.1891 OF 1999

Maharashtra Rajya Daru Vikreta
Mahamandal & ors. Petitioners
vs.
State of Maharashtra & ors. Respondents

Mr.K.S. Bapat for the petitioners.

Mr.A.A.Kumbhakoni, Associate Advocate General with
Mr.S.R.Nargolkar,A.G.P. for the respondents.

CORAM : R. M. LODHA &
R. S. MOHITE,JJ.

DATED : 5th April 2005

ORAL JUDGMENT (Per R.M. Lodha,J.)

In this group of 23 writ petitions, the petitioners have challenged the legality and validity of the notification dated 10th January 2002 issued by the Commissioner of State Excise, Maharashtra State, Mumbai. By the said notification, the Commissioner of State Excise notified the licence fees for the grant, renewal and continuance of the licences for the financial year 2002-2003.

2. During the pendency of the writ petitions, the Commissioner of State Excise has re-notified the licence rates vide notification dated 30th May 2003.

3. The learned counsel for the petitioners submit that in view of the subsequent notification dated 30th May 2003, the grievance raised by the petitioners in this group of writ petitions does not survive.

4. We also record the statement of Mr.A.A.Kumbhakoni, the learned Associate Advocate General that the rates of

licence fees prescribed by the Commissioner of State Excise in the notification dated 10th January 2002 for the year 2002-2003 stands modified by the notification dated 30th May 2003. The learned counsel for the parties are ad-idem that in all these matters licence fee for grant/renewal/continuance for the year 2002-2003 has been paid at the rate prescribed in the subsequent notification dated 30th May 2003.

5. In view thereof, we find that merits of the diverse contentions raised in this group of writ petitions are not required to be gone into by us.

6. All these 23 writ petitions are disposed of accordingly. Rule is discharged. No costs.

(R.M. LODHA,J.)

(R.S. MOHITE,J.)